

REMARKS

Information Disclosure Statement

Applicants point out that ref. 201 is the manuscript that corresponds to ref. 200, Presta et al., published in 1997.

Specification

As discussed in the 4/30/02 interview, the specification filed 3/18/02 was actually the priority document (USSN 07/715,272 filed 6/14/91; "the '272 priority application") for the present application (see discussion under the heading "Priority" on page 5 of the 3/18/02 amendment), rather than a substitute specification.

Obviousness-type double patenting (OTDP)

The OTDP rejection over USSN 08/146,206 is maintained. That application has now issued as US Patent No. 6,407,213 ("the '213 patent") as noted in the amendment to the cross-reference paragraph herein. Applicants attach a terminal disclaimer over the '213 patent, thus obviating this rejection.

Section 103 - Hudziak & Adair

The rejection of claims 10-12 under 35 USC Section 103(a) based on US Patent No. 5,772,997 (Hudziak) and WO91/09667 (Adair) is maintained, based on the Examiner's understanding that a document with pages 2-17¹ is the '272 priority application. As noted above, under the heading "Specification," the document which the Examiner considers to be a substitute specification is actually the '272 priority application (106 pages, including claims and abstract; with 5 sheets of drawings). The '272 priority application filed June 14, 1991 provides priority benefit for claims 10-12 herein (see, especially, claims 9-11 of the '272 priority application). Reconsideration and withdrawal of the rejection is respectfully requested in view of the above clarification.

If the '272 priority application is still unavailable to the Examiner, either from the PTO's files, or that which was attached to the 3/18/02 amendment, Applicants respectfully request that the Examiner call the undersigned, so that a further copy of the '272 priority application can be provided.

¹Applicants understand from the interview that this document is part of the PDL priority document previously submitted.

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Section 103 - Hudziak, Queen & Kabat

The rejection of claims 10-12 under 35 USC Section 103(a) based on Hudziak, US Patent 5,693,762 (Queen) and Kabat, US Department of Health and Human Services, 1983 is maintained on the basis that the "Queen patent is a CON with a priority date of 12/19/90" and "as such is still prior art (as the instant application is granted a priority date of 6/5/92) and discloses the recited residues in claim 10 (see Table 1 of Queen et al.)."

First, Applicants point out that the claims herein are entitled to a filing date of 6/14/1991 (see discussion above about the '272 priority application), and that Queen's application filed 12/19/90 is not prior art to the instant invention. Notwithstanding this, in order to expedite allowance of the present application and without acquiescing in the rejection, Applicants have amended claim 10 herein to delete the residues therein that overlap with those in Queen. Since Queen uses sequential numbering of the FR residues, Applicants attach hereto, for the Examiner's convenience, Exhibit A which provides Queen's substituted FR sites utilizing the numbering system set forth in Kabat. Reconsideration and withdrawal of the rejection is respectfully requested in view of the above.

Applicants believe that this application is now in condition for allowance, and look forward to early notification to that effect.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please amend the paragraph beginning page 1, line 5, as follows:

This is a continuation of USSN 08/146,206 filed November 17, 1993 (now US Patent No. 6,407,213 issued June 18, 2002) which is a 371 of PCT/US92/05126 filed June 15, 1992 which is a CIP of 07/715,272 filed June 14, 1991 (abandoned), the disclosures of which are incorporated herein by reference.

IN THE CLAIMS:

10. (Twice Amended) A humanized antibody variable domain comprising non-human CDR amino acid residues which bind an antigen incorporated into a human antibody variable domain, and further comprising a Framework Region (FR) amino acid substitution at a site selected from the group consisting of:
4L, 35L, [36L,] 38L, 43L, 44L, 46L, 58L, 62L, 64L, 65L, 66L, 67L, 68L, 69L, [70L, 71L,] 73L, 85L, [87L,] 98L, 2H, 4H, [24H,] 36H, [37H,] 39H, 43H, 45H, [49H, 68H,] 69H, 70H, [73H,] 74H, 75H, 76H, 78H, and 92H [, and 93H], utilizing the numbering system set forth in Kabat.

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EXHIBIT A

Fd79 antibody			
V _H FR substitutions		V _L FR substitutions	
Sequential numbering	Kabat numbering	Sequential numbering	Kabat numbering
82H	81H	9L	9L
97H	93H	45L	41L
112H	103H	46L	42L
		53L	49L
		81L	77L
		83L	79L
Fd138-80 antibody			
V _H FR substitutions		V _L FR substitutions	
Sequential numbering	Kabat numbering	Sequential numbering	Kabat numbering
27H	27H	36L	36L
30H	30H	48L	48L
37H	37H	63L	63L
48H	48H	87L	87L
67H	66H		
68H	67H		
93H	89H		
98H	94H		
111H	103H		
112H	104H		
113H	105H		
115H	107H		

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M195 antibody			
V _H FR substitutions		V _L FR substitutions	
Sequential numbering	Kabat numbering	Sequential numbering	Kabat numbering
27H	27H	10L	10L
30H	30H	40L	36L
48H	48H	52L	48L
67H	66H	67L	63L
68H	67H	74L	70L
93H	89H	110L	106L
95H	91H		
98H	94H		
106H	103H		
107H	104H		
108H	105H		
110H	107H		
mik-β1 antibody			
V _H FR substitutions		V _L FR substitutions	
Sequential numbering	Kabat numbering	Sequential numbering	Kabat numbering
1H	1H	13L	13L
29H	29H	41L	42L
30H	30H	70L	71L
49H	49H		
72H	72H		
73H	73H		
84H	82bH		
89H	86H		
90H	87H		

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CMV5 antibody			
V _H FR substitutions		V _L FR substitutions	
Sequential numbering	Kabat numbering	Sequential numbering	Kabat numbering
5H	5H	49L	49L
24H	24H		
27H	27H		
28H	28H		
30H	30H		
69H	68H		
80H	79H		
97H	93H		
AF2 antibody (in Table 9)			
V _H FR substitutions		V _L FR substitutions	
Sequential numbering	Kabat numbering	Sequential numbering	Kabat numbering
27H	27H	48L	48L
28H	28H	63L	63L
30H	30H	70L	70L
93H	89H		
95H	91H		
98H	94H		
107H	103H		
108H	104H		
109H	105H		
111H	107H		